

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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: IN RE: : ORDER  
: :  
: : 03 MDL 1570 (GBD) (SN)  
TERRORIST ATTACKS ON :  
SEPTEMBER 11, 2001 :  
: :  
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This document relates to:

*Burnett, et al. v. Islamic Rep. of Iran, et al.*, No. 15-cv-9903 (GBD)(SN)  
*Prior, et al. v. Islamic Rep. of Iran*, No. 19-cv-44 (GBD)(SN)

**ORDER GRANTING PARTIAL FINAL DEFAULT JUDGMENT FOR THE  
PLAINTIFFS LISTED IN EXHIBIT A**

GEORGE B. DANIELS, United States District Judge:

The *Burnett* Plaintiffs listed in Exhibit A move for entry of partial final default judgment against Defendants the Islamic Republic of Iran, the Islamic Revolutionary Guard Corps, and the Central Bank of the Islamic Republic of Iran (collectively, “Defendants”). (ECF No. 9733.<sup>1</sup>) As non-United States nationals, these Plaintiffs cannot bring claims against Iran under 28 U.S.C. § 1605A(c) (*see* ECF No. 9666, at 1) and therefore ask this Court to hold Defendants liable under New York tort law. The Court adjudges Defendants liable to the Plaintiffs listed in Exhibit A under New York law for substantially the same reasons as stated in this Court’s March 26, 2024 and June 17, 2024 Orders. (*See* ECF Nos. 9666, 9931.)

In addition to seeking damages under New York law, which the Court grants, Plaintiffs also seek default judgment as to liability for four “classifications” of Plaintiffs, as well as damages for non-United States nationals under Virginia law. (*See* ECF Nos. 9733, 9736-3.) These aspects

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<sup>1</sup> Unless otherwise stated, all ECF citations included herein refer to documents filed on the 9/11 multidistrict litigation docket. *See In re Terrorist Attacks on Sept. 11, 2001*, No. 03-md-1570 (GBD) (SN).

of Plaintiffs' motion require the Court to take up new legal questions. In light of the approaching VSSTF deadline and the Court's desire to adjudicate as many economic damages requests as possible beforehand, the Court issues this order and reserves judgment as to the novel legal questions for a subsequent order.

Accordingly, upon consideration of the evidence and arguments set forth in the Declaration of John M. Eubanks, Esq. and the exhibits thereto (ECF No. 9735), together with the entire record in this case, it is hereby

**ORDERED** that service of process in the above-captioned cases was properly effectuated upon Defendants (ECF No. 64 in No. 15-cv-9903; ECF No. 18 in 19-cv-44); and it is

**ORDERED** that partial final judgment is entered on behalf of the Plaintiffs identified in Exhibit A against the Defendants<sup>2</sup>; and it is

**ORDERED** that the Plaintiffs identified in Exhibit A are awarded economic damages as set forth therein<sup>3</sup> and as supported by the expert reports and analyses tendered in conjunction with the Eubanks Declarations (ECF No. 9735); and it is

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<sup>2</sup> Plaintiffs seek treble damages. The Court has denied U.S. national Plaintiffs' requests for treble damages against the Islamic Republic of Iran because Anti-Terrorism Act ("ATA") claims cannot be brought against sovereign defendants. *See* 18 U.S.C. § 2337(2). Consistent with these prior decisions, *see, e.g.*, ECF No. 10292, and to ensure consistency between awards for U.S. nationals and non-U.S. nationals, the Plaintiffs' motions are DENIED as to their requests for treble damages.

<sup>3</sup> This Court was unable to find the following parties in the citations provided by the *Burnett* Plaintiffs in their default judgment motion cover sheet. (ECF No. 9736-1.) Therefore, their motion is DENIED without prejudice as to the following parties' requests for partial final default judgment: Joy Bennett and Adrian Bennett as the personal representatives of the Estate of Oliver Duncan Bennett (whose Estate is not listed as a Plaintiff); Derek Edward Bristow as the personal representative of the Estate of Paul Gary Bristow (whose Estate is not listed as a Plaintiff); Abigail Jane Carter as the personal representative of the Estate of Caleb Arron Dack; David de Vere as the personal representative of the Estate of Melanie Louise De Vere; Raymond Duger as the personal representative of the Estate of Antoinette Duger; Ellen Ruth Judd as the personal representative of the Estate of Christine Egan; Timothy John and Glyn John as the personal representatives of the Estate of Nicholas John (whose Estate is not listed as a Plaintiff); Angela Rogers and Keith Rogers as the personal representatives of the Estate of Karlie Barbara Rogers. The claim of Barbara E. DaMota, as Personal Representative of the Estate of Manuel John DaMota, has also been removed, pursuant to ECF No. 10039.

**ORDERED** that the Plaintiffs identified in Exhibit A are awarded compensatory damages for decedents' pain and suffering in an amount of \$2,000,000.00 per estate, as set forth therein; and it is

**ORDERED** that the Plaintiffs receiving economic damages identified in Exhibit A are awarded prejudgment interest of 4.96 percent per annum, compounded annually, running from the date indicated in the "Date of Report" column therein<sup>4</sup>; and it is

**ORDERED** that the Plaintiffs receiving pain and suffering damages identified in Exhibit A are awarded prejudgment interest of 4.96 percent per annum, compounded annually, running from September 11, 2001, until the date of judgment; and it is


**ORDERED** that the Plaintiffs identified in the attached Exhibit A may submit future applications for punitive or other damages at a later date consistent with any future rulings of this Court; and it is

**ORDERED** that the Plaintiffs not appearing on Exhibit A may submit in later stages applications for damages awards to the extent they have not done so already.

The Clerk of Court is directed to enter partial final default judgment for the Plaintiffs listed in Exhibit A.

Dated: September 19, 2024  
New York, New York

SO ORDERED.

  
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GEORGE B. DANIELS  
United States District Judge

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<sup>4</sup> The Court adjusted the date listed for the Estate of Jayceryll Malabuyoc de Chavez to reflect the date listed in the expert report at ECF No. 9735-4, at 78.

# **Exhibit A**

EXHIBIT A  
NON-JULY NATIONAL 9/11 DECEDENTS (NY)

Plaintiff, as Personal Representative of the Estate of 9/11 Decedent					9/11 Decedent			Chain Information			Pain & Suffering Damages			Economic Damages						
First	Middle	Last	Surfix	First	Middle	Last	Surfix	Nationality on 9/11	Date of Death	Case	Complaint	Amendments & Supplement	Prior Award	Amount	Treble	Report	Date of Report	Prior Award	Amount	Treble
1. Marie	Cedric	Arvey		Jahket		Bayley		Ghana	9/11/01 NY (WTC)	15-cv-09903	115-cv-09903 53 at 3170		\$	2,000,000.00		1/19/2024		\$	6,523,555.00	
2. Katherine	Agnes	Bayley		Garnet		Bayley		Canada	9/11/01 NY (UALTS)	15-cv-09903	115-cv-09903 53 at 3234		\$	2,000,000.00		1/19/2024		\$	5,416,710.00	
3. Maureen	E. Jasheth	Barndt		Kenneth		William		Canada	9/11/01 NY (WTC)	15-cv-09903	115-cv-09903 53 at 3563		\$	2,000,000.00		2/15/2024		\$	10,941,249.00	
4. Robert	W.	Beatty		Jane		Beatty		United Kingdom	9/11/01 NY (WTC)	15-cv-09903	53 at 3505		\$	2,000,000.00		1/19/2024		\$	6,320,477.00	
5. Malcolm	Phillip	Campbell		Geoffrey		Thomas		United Kingdom	9/11/01 NY (WTC)	15-cv-09903	115-cv-09903 53 at 3157		\$	2,000,000.00		2/8/2024		\$	16,441,891.00	
6. Margaret	Alexandra	Clarke		Scila		R. E.		United Kingdom	9/11/01 NY (WTC)	15-cv-09903	115-cv-09903 53 at 3391		\$	2,000,000.00		1/19/2020		\$	9,232,611.00	
7. Donald	Robert	Connolly		Griffith		Marie		Canada	9/11/01 NY (WTC)	15-cv-09903	53 at 2755		\$	2,000,000.00		2/29/2024		\$	9,308,134.00	
8. Nigel	Durman	Cox		Andre		Cox		St. Vincent and the Grenadines	9/1/01 NY (WTC)	15-cv-09903	115-cv-09903 53 at 3087		\$	2,000,000.00		2/29/2024		\$	9,308,134.00	
9. Barbara Anderson	M.	de Chavez de Chavez		Isaacial		Malbayore		Philippines	9/11/01 NY (WTC)	15-cv-09903	115-cv-09903 1. 53 at 3566, 4.78 at 3		\$	2,000,000.00		2/29/2024		\$	12,461,980.00	
10. Janet	Aileen	Duncan		Richard		Connolly		Canada	9/11/01 NY (WTC)	15-cv-09903	115-cv-09903 53 at 3579		\$	2,000,000.00		4/4/2024		\$	13,101,471.00	
11. Anna	Marie	Egan		Michael		Escazeta		Canada	9/11/01 NY (WTC)	15-cv-09903	115-cv-09903 53 at 3579		\$	2,000,000.00				\$		
12. Jennifer	R.	Evans		Sarah		Ali		United Kingdom	9/11/01 NY (WTC)	15-cv-09903	115-cv-09903 53 at 3588		\$	2,000,000.00				\$		
13. Robert	Emy Jane	Evans		Mercedith		Em y Jane		Canada	9/11/01 NY (WTC)	15-cv-09903	115-cv-09903 53 at 3501		\$	2,000,000.00		1/10/2020		\$	18,122,886.00	
14. Robert	Mercedith	Evans		Christopher		Forstner		United Kingdom	9/11/01 NY (WTC)	15-cv-09903	115-cv-09903 53 at 3501		\$	2,000,000.00		1/10/2020		\$	18,122,886.00	
15. Robert	Mercedith	Evans		Ralph		Gerhardt		Canada	9/11/01 NY (WTC)	15-cv-09903	115-cv-09903 53 at 3501		\$	2,000,000.00		1/10/2020		\$	18,122,886.00	
16. Robert	Mercedith	Evans		Paul		Stuart		United Kingdom	9/11/01 NY (WTC)	15-cv-09903	115-cv-09903 53 at 3501		\$	2,000,000.00		1/10/2020		\$	18,122,886.00	
17. Victoria	Barley	Joan		Paulo		Gebran		Argentina	9/11/01 NY (WTC)	15-cv-09903	115-cv-09903 53 at 3501		\$	2,000,000.00		1/10/2020		\$	18,122,886.00	
18. Robert	Mercedith	Evans		Verwald		George		United Kingdom	9/11/01 NY (WTC)	15-cv-09903	115-cv-09903 53 at 3501		\$	2,000,000.00		1/10/2020		\$	18,122,886.00	
19. Robert	Mercedith	Evans		Christopher		D.		United Kingdom	9/11/01 NY (WTC)	15-cv-09903	115-cv-09903 53 at 3501		\$	2,000,000.00		1/10/2020		\$	18,122,886.00	
20. Robert	Mercedith	Evans		Shah		Rocio		Malaysia	9/11/01 NY (WTC)	15-cv-09903	115-cv-09903 53 at 3501		\$	2,000,000.00		1/10/2020		\$	18,122,886.00	
21. Robert	Mercedith	Evans		Ben		Adnan		Malaysia	9/11/01 NY (WTC)	15-cv-09903	115-cv-09903 53 at 3501		\$	2,000,000.00		1/10/2020		\$	18,122,886.00	
22. Robert	Mercedith	Evans		Wei		Wei		China	9/11/01 NY (WTC)	15-cv-09903	115-cv-09903 53 at 3501		\$	2,000,000.00		1/10/2020		\$	18,122,886.00	
23. Robert	Mercedith	Evans		Jerome		Usher		France	9/11/01 NY (WTC)	15-cv-09903	115-cv-09903 53 at 3501		\$	2,000,000.00		1/10/2020		\$	18,122,886.00	
24. Maureen	Madison	Sawad		Simon		Madison		United Kingdom	9/11/01 NY (WTC)	15-cv-09903	115-cv-09903 53 at 3584		\$	2,000,000.00		1/10/2020		\$	18,122,886.00	
25. William	Sawad	Sawad		Christine		Shah		United Kingdom	9/11/01 NY (WTC)	15-cv-09903	115-cv-09903 53 at 3584		\$	2,000,000.00		1/10/2020		\$	18,122,886.00	
26. Myrie	Basil	Basil		Sharonne		Olida		Guyana	9/11/01 NY (WTC)	15-cv-09903	115-cv-09903 53 at 3584		\$	2,000,000.00		1/10/2020		\$	18,122,886.00	
27. Keshlathrie	Nath	Nath		Narcisier		Nath		India	9/11/01 NY (WTC)	15-cv-09903	115-cv-09903 53 at 3584		\$	2,000,000.00		1/10/2020		\$	18,122,886.00	
28. Lechman	Patih	Patih		Arndt		Arndt		Guyana	9/11/01 NY (WTC)	15-cv-09903	115-cv-09903 53 at 3584		\$	2,000,000.00		1/10/2020		\$	18,122,886.00	
29. Yagah	R.	Patih		Arndt		Arndt		United Kingdom	9/11/01 NY (WTC)	15-cv-09903	115-cv-09903 53 at 3584		\$	2,000,000.00		1/10/2020		\$	18,122,886.00	
30. Stewils	Sagura	Sagura		Joili		Sagura		Dominican Republic	9/11/01 NY (WTC)	15-cv-09903	115-cv-09903 4.78 at 6		\$	2,000,000.00		1/10/2020		\$	18,122,886.00	
31. Lucy	E.	Thompson		Thompson		Thompson		United Kingdom	9/11/01 NY (WTC)	15-cv-09903	115-cv-09903 53 at 3584		\$	2,000,000.00		1/10/2020		\$	18,122,886.00	
32. Sharon	B.	Schultz		McLennan		Terra		Gambia	9/11/01 NY (WTC)	15-cv-09903	115-cv-09903 53 at 3584		\$	2,000,000.00		1/10/2020		\$	18,122,886.00	
33. Sharon	B.	Schultz		McLennan		Terra		Gambia	9/11/01 NY (WTC)	15-cv-09903	115-cv-09903 53 at 3584		\$	2,000,000.00		1/10/2020		\$	18,122,886.00	
34. Sharon	B.	Schultz		McLennan		Terra		Gambia	9/11/01 NY (WTC)	15-cv-09903	115-cv-09903 53 at 3584		\$	2,000,000.00		1/10/2020		\$	18,122,886.00	
35. Sharon	B.	Schultz		McLennan		Terra		Gambia	9/11/01 NY (WTC)	15-cv-09903	115-cv-09903 53 at 3584		\$	2,000,000.00		1/10/2020		\$	18,122,886.00	
36. Sharon	B.	Schultz		McLennan		Terra		Gambia	9/11/01 NY (WTC)	15-cv-09903	115-cv-09903 53 at 3584		\$	2,000,000.00		1/10/2020		\$	18,122,886.00	
37. Nancy	McCordie	McCordie		McCordie		McCordie		India	9/11/01 NY (WTC)	15-cv-09903	115-cv-09903 53 at 3584		\$	2,000,000.00		1/10/2020		\$	18,122,886.00	
38. Nancy	McCordie	McCordie		McCordie		McCordie		India	9/11/01 NY (WTC)	15-cv-09903	115-cv-09903 53 at 3584		\$	2,000,000.00		1/10/2020		\$	18,122,886.00	
39. Anthony	Veruapala	Veruapala		Veruapala		Veruapala		India	9/11/01 NY (WTC)	15-cv-09903	115-cv-09903 53 at 3584		\$	2,000,000.00		1/10/2020		\$	18,122,886.00	